

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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|---------------------------------|---|---------------------------|
| LEON BENSON, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 1:24-cv-00839-JPH-MJD |
| |) | |
| CITY OF INDIANAPOLIS, et al., |) | |
| |) | |
| Defendants. |) | |
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| INDIANA BOARD OF LAW EXAMINERS, |) | |
| |) | |
| Interested Party. |) | |

ORDER

This matter is before the Court on the Motion to Quash Subpoena filed by Non-Party Indiana Board of Law Examiners ("the Board"). [[Dkt. 83.](#)] For the reasons set forth below, the motion is **GRANTED**.

Defendants have served a subpoena on the Board seeking the following:

Any bar application materials containing identifying information for Timothy J. Miller, Attorney No. 19853-49, including but not limited to bar applications, addresses, dates of birth, phone numbers, social security numbers, employment history, employment references, character references or other similar identifying information. This request specifically excludes sensitive, confidential or proprietary information, such as application essays, internal decision-making documents, internal notes or comments, examinations, examination results, appeals, or other sensitive information.

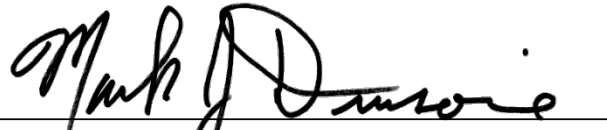
[[Dkt. 83-1.](#)] The Board moves to quash the subpoena on the ground that the information requested is protected as confidential pursuant to Indiana State Rules for Admission and Discipline, Rule 19, Section 1 ("Rule 19"), which provides that:

All information and all records obtained and maintained by the Board of Law Examiners in the performance of its duty under these rules and as delegated by the Supreme Court of Indiana shall be confidential, except as otherwise provided by these rules, or by order of (or as otherwise authorized by) the Supreme Court of Indiana.

While Timothy J. Miller is highly likely to have information relevant to the claims and defenses in this case, and the information sought by the subpoena may assist Defendants in locating Mr. Miller, Federal Rule of Civil Procedure 45(d)(3)(A)(iii) provides that the Court "must quash or modify a subpoena that . . . requires disclosure of privileged or other protected matter, if no exception or waiver applies." Accordingly, given that the requested information clearly is protected from disclosure pursuant to Rule 19 absent authorization from the Supreme Court of Indiana, the motion to quash is **GRANTED**. This order does not prevent Defendants from seeking authorization for release of the information from the Supreme Court of Indiana.

SO ORDERED.

Dated: 6 JAN 2025

A handwritten signature in black ink, appearing to read 'Mark J. Dinsmore', is written over a horizontal line.

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

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